

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jerussi et al.

Confirmation No.: 2257

Application No.: 10/806,423

Group Art Unit: 1614

Filed: March 23, 2004

Examiner: Karol, J. L.

For: DERIVATIVES OF (-)-VENLAFAXINE
AND METHODS OF PREPARING AND
USING THE SAME

Attorney Docket No.: 4821-536
(JD 208423-999577)

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sepracor Inc. is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,342,533 ("the '533 patent") by virtue of an assignments from Thomas P. Jerussi, Chrisantha H. Senanayake, and Nandkumar N. Bhongle to Sepracor Inc. which were recorded at Reel/Frame numbers 010593/0534 and 011896/0345.

Sepracor Inc. is also the assignee of the entire right, title and interest in and to U.S. Patent No. 6,911,479 ("the '479 patent") by virtue of the same assignment because the '479 patent claims priority to the '533 patent and/or the application from which the '533 patent issued.

Sepracor Inc. is also the assignee of the entire right, title and interest in and to the above-identified application, *i.e.*, U.S. application no. 10/806,423, by virtue of the same assignment because the present application claims priority to the '533 patent and/or the application from which the '533 patent issued.


Sepracor Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '479 patent, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '479 patent.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the '479 patent in the event that the '479 patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

A fee of \$ 130.00 is believed due under 37 C.F.R. 120(d) for the submission of this terminal disclaimer and will be paid via EFS-Web. The Director is authorized to charge any other required fees to Jones Day Deposit Account No. 503013.

Respectfully submitted,

Date June 13, 2008



Hoon Choi (Ltd. Rec. No. L0209)

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